

REMARKS

In response to the Office Action dated September 16, 2009, Applicant submits the foregoing amendments and the following remarks. Claims 23 and 25 to 47 are pending in the application and are presented for reconsideration and further examination. By the foregoing amendments, Claims 23 and 27 have been amended and claim 24 has been canceled without prejudice or disclaimer

Allowable Subject Matter

The Examiner is thanked for the allowance of claims 34 to 47 and the indication of allowable subject matter in claims 24 and 27 to 31. In the foregoing amendment, claim 24 has been canceled and the subject matter of this claim is now incorporated in amended claim 23. Claim 27 has been rewritten as an independent claim including the subject matter of original claim 23 from which it previously depended. It is therefore submitted that amended claims 23 and 27 are now in order for allowance, along with claims 25 and 26 which depend from amended claim 23 and claims 28 to 31 which depend from amended claim 27.

Claim Rejections – 35 U.S.C. §112, second paragraph

Claim 23 was rejected as being indefinite under 35 U.S.C. §112, second paragraph, for failing to define what occurs if the current value of communication quality is between the minimum threshold value and the maximum threshold value. Claims 24 to 33 are rejected on the same grounds due to their dependence on claim 23. Even though Applicant respectfully traverses the rejection under §112, this rejection is now moot. Claim 23 has been amended to incorporate the subject matter of allowable claim 24. The amendment defines what occurs when the current value of communication quality is greater than the minimum threshold value of communication quality and less than the maximum threshold value of communication quality. Amended claim 27 includes a similar limitation. Withdrawal of the rejections under §112 is respectfully requested.

CONCLUSION

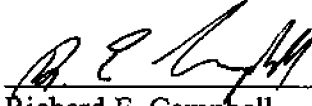
The claim amendments which are not specifically discussed in the above remarks are made in order to improve the clarity of claim language and to otherwise improve the capacity of the claims to particularly and distinctly point out the invention to those of skill in the art. In light of the above amendments and remarks, it is believed that claims 23 and 24 to 33 are now in condition for allowance in addition to previously allowed claims 34 to 47, and reconsideration and withdrawal of all outstanding rejections is respectfully requested.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to **Deposit Account No. 502075**.

Respectfully submitted,

Dated: 10/28/09

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